

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

SEP 23 1998

In the Matter of )  
 )  
Investigation of Special Access ) CC Docket No.85-166  
Tariffs of Local Exchange Carriers ) Phase I  
 )

**JOINT MOTION TO DISMISS**

Pursuant to Section 1.717 of the Commission's Rules, New Valley Corporation (f/k/a Western Union Corporation) (hereinafter "Western Union") and Illinois Bell Telephone Company, Indiana Bell Telephone Company, Incorporated, Michigan Bell Telephone Company, The Ohio Bell Telephone Company, and Wisconsin Bell, Inc. (hereinafter collectively "Ameritech") jointly move for dismissal with prejudice of Ameritech from the above-captioned matter to the extent described below. In support the parties show as follows:

1. The Federal Communications Commission issued its order in CC Docket No. 85-166, Phase I, on September 5, 1997 ("Western Union Remand Order"), addressing issues remanded by the U.S. Court of Appeals for the District of Columbia in the Investigation of Special Access Tariffs of Local Exchange Carriers, CC Docket No.85-166, Phase I, FCC No. 86-52 (released Jan.24, 1986) reconsideration denied, 1 FCC Rcd 427, remand sub nom. Western Union Corp. v. FCC, 856 F.2d 315 (D.C. Cir. 1988) ("Western Union v. FCC");

2. Representatives of Western Union and Ameritech have met in order to resolve the matters set forth in the Western Union Remand Order and Western Union v. FCC (collectively "the actions") as they relate to services provided by Ameritech to Western Union. As a result of these

meetings and negotiations, the parties have agreed to a settlement that disposes of all issues and controversies in the actions with respect to services provided by Ameritech to Western Union. Accordingly, the parties seek dismissal, with prejudice, of Ameritech with respect to further proceedings concerning the Western Union Remand Order or Western Union v. FCC, including any pending requests for correction or reconsideration by Western Union or any other party. Dismissal of Ameritech will affect no other party and will serve the public interest as no purpose would be served by the continued participation of Ameritech in these proceedings.


WHEREFORE, for the reasons stated above, Western Union and Ameritech request that Ameritech be dismissed with prejudice from further proceedings in the Western Union Remand

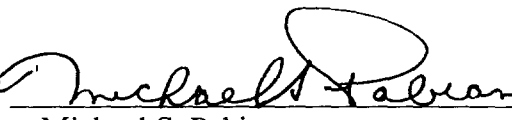
Order and Western Union v. FCC. A proposed order is submitted herewith in accordance with Section 1.727(c) of the Commission's Rules 47 C.F.R. §1.727(c).

Respectfully submitted,

ILLINOIS BELL TELEPHONE COMPANY  
INDIANA BELL TELEPHONE COMPANY,  
INCORPORATED  
MICHIGAN BELL TELEPHONE COMPANY  
THE OHIO BELL TELEPHONE COMPANY  
WISCONSIN BELL, INC.

WESTERN UNION

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**Before the  
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In the Matter of	)	
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Investigation of Special Access	)	CC Docket No.85-166
Tariffs of Local Exchange Carriers	)	Phase I
	)	
	)	

**ORDER**

Adopted:

Released:

By the Chief, Competitive Pricing Division:

1. The Federal Communications Commission issued its order in CC Docket No. 85-166, Phase I, on September 5, 1997, ("Western Union Remand Order") addressing issues remanded by the U.S. Court of Appeals for the District of Columbia in the Investigation of Special Access Tariffs of Local Exchange Carriers, CC Docket No.85-166, Phase I, FCC No. 86-52 (Released Jan.24, 1986) reconsideration denied, FCC Rcd 427, Remand sub nom. Western Union Corp. v. FCC, 856 F.2d 315 (D.C. Cir. 1988) ("Western Union v. FCC").

2. On May 14, 1998, Illinois Bell Telephone Company, Indiana Bell Telephone Company, Incorporated, Michigan Bell Telephone Company, The Ohio Bell Telephone Company, and Wisconsin Bell, Inc. (hereinafter referred to collectively as "Ameritech ") and New Valley Corporation (f/k/a Western Union Corporation and hereinafter referred to as "Western Union") filed a Joint Motion requesting the Commission issue an order dismissing Ameritech from further proceedings in the Western Union Remand Order and Western Union v. FCC, including any

pending requests for correction or reconsideration by Western Union or any other party ("the Actions"). In support of their motion, the parties state that all claims in the actions against Ameritech have been settled with Ameritech admitting no liability. The parties also state that no purpose would be served by the continuing pendency of this proceeding against Bell Atlantic.

3. Therefore, IT IS ORDERED, that the motion is GRANTED and Ameritech is hereby DISMISSED WITH PREJUDICE from further proceedings arising out of the Western Union Remand Order or Western Union v. FCC.

FEDERAL COMMUNICATIONS COMMISSION

Chief, Competitive Pricing Division  
Common Carrier Bureau

**CERTIFICATE OF SERVICE**

I, Patricia A. Bell, do hereby certify that I have caused copies of the foregoing **“Joint Motion To Dismiss”** to be delivered first-class mail, postage prepaid, this 23<sup>rd</sup> day of September, 1998, to each of the following individuals:

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\* Via Hand Delivery